

NINTH DAY.

(Wednesday, May 30, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Kemble.
Arnold.	Lackey.
Avis.	Laird.
Baker of Milam.	Lane.
Baldwin.	LeMaster.
Barker.	LeStourgeon.
Barrett.	Lewis.
Beasley.	Loftin.
Bell.	Looney.
Bird.	McDaniel.—
Bonham.	McDonald.
Burmeister.	McFarlane.
Cable.	McKean.
Carpenter	McNatt.
of Dallas.	Martin.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carson.	Melson.
Carter of Coke.	Merritt.
Chitwood.	Miller.
Coffee.	Montgomery.
Collins.	Moore.
Covey.	Morgan
Cowen.	of Liberty.
Crawford.	Pate.
Culp.	Patman.
Davenport.	Patterson.
Davis.	Perdue.
DeBerry.	Pinkston.
Dodd.	Pool.
Downs.	Pope.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Purl.
Dunn.	Quaid.
Durham.	Quinn.
Edwards.	Rice.
Faubion.	Robinson.
Fields.	Russell
Finlay.	of Callahan.
Frnka.	Sanford.
Gipson.	Satterwhite.
Green.	Shearer.
Greer.	Shires.
Hardin of Erath.	Simpson.
Harrington.	Smith.
Harris.	Sparkman.
Henderson	Stell.
of Marion.	Stevens.
Henderson	Stewart
of McLennan.	of Edwards.
Hendricks.	Stewart
Howeth.	of Galveston.
Hull.	Stewart of Jasper.
Irwin.	Stewart of Reeves.
Jacks.	Stiernberg.
Jennings.	Storey.
Johnson.	Stroder.

Teer.
Thompson.
Turner.
Vaughan.
Wallace.

Wells.
Westbrook.
Wilmons.
Winfree.
Young.

Absent.

Amsler.
Bobbitt.
Carter of Hays.
Dielmann.
Fugler.
Hardin
of Kaufman.
Houston.

Hughes.
Morgan
of Robertson.
Rowland.
Russell of Trinity.
Strickland.
Thrasher.
Williamson.

Absent—Excused.

Atkinson.
Baker of Orange.
Blount.
Bryant.
Dinkle.
Jones.
Lamb.
Lusk.

McBride.
Merriman.
Rogers.
Sackett.
Sweet.
Wessels.
Wilson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Dinkle for today, on motion of Mr. Beasley.

Mr. McBride for today, on motion of Mr. Howeth.

Mr. Jones for today, on motion of Mr. Quaid.

Mr. Baker of Orange for today and remainder of week, on motion of Mr. Montgomery.

Mr. Jacks for Monday and Tuesday of this week, on motion of Mr. Wells.

Mr. Wessels for today, on motion of Mr. Stell.

Mr. Sweet for today and remainder of the week, on motion of Mr. McNatt.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Jacks:

H. B. No. 71, A bill to be entitled "An Act providing for the rendition for taxation and assessment thereof of all merchandise and stocks sold by mercantile establishments in the State of

Texas, and providing for efficient method for the assessment thereof, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Jacks:

H. B. No. 72, A bill to be entitled "An Act providing for the assessment of property stored in warehouses and requiring that every warehouseman in the State of Texas who holds property belonging to any person, co-partnership, association or corporation shall furnish to the tax assessor of the county in which such property is held a list of such property and the name and address of the owner thereof, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Bell:

H. B. No. 73, A bill to be entitled "An Act making an appropriation to the Comptroller of Public Accounts for employes to collect inheritance and other taxes and for traveling expenses, and declaring an emergency."

Referred to Committee on Appropriations.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee as follows:

Senate bill No. 11, to the Committee on Appropriations.

COMMITTEE TO INVESTIGATE BLOCK PICTURE OF MEMBERS.

Mr. Potter offered the following resolution:

Whereas, An examination of the group picture of the House of Representatives of the Thirty-eighth Legislature discloses the fact that a mistake has been made by the photographer in making up the picture in that the photograph of a person appears therein who is in nowise connected with the House of Representatives as a member, officer or employe; and

Whereas, It is the sense of this House that said picture should be correct and authentic; therefore, be it

Resolved, That a committee of three be appointed and instructed to investigate the matter, and if error has been

made by the photographer in making up the picture have same corrected.

Signed—Potter, Winfree, Wells, Baker of Milam, Jennings, Sanford, Pinkston, Barrett, Hardin.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Potter, Winfree and Wells.

REPORT OF JOINT WAYS AND MEANS COMMITTEE.

The Speaker laid before the House, for consideration at this time, the following report:

Committee Room,
Austin, Texas, May 30, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your joint committee from both houses of the Thirty-eighth Legislature, appointed under and by authority of S. C. R. No. 3, to recommend a method of eliminating the difference between the appropriations as made by the Thirty-eighth Legislature and the available revenue for the next biennium, beg leave to report that a majority of the committee from both the House and the Senate have agreed upon a plan which is stated as follows:

1. We recommend that the appropriation as passed at the Second Called Session appropriating \$6,000,000 to supplement the available fund be cut to \$4,000,000, one-half of which is to be available the first year and the other one-half to be available the second year.

2. We recommend that the rural school appropriation bill be cut from \$3,000,000 to \$2,500,000, \$1,500,000 to be available the first year and \$1,000,000 the second year.

3. We recommend that the educational appropriation bill be cut \$1,000,000 for the biennium.

4. We recommend that the appropriation of \$600,000 for hydrographic and topographic surveys be cut to \$300,000.

5. We recommend the passage of the gross production tax on oil at 2½ per cent.

6. We recommend the passage of a bill placing a 2 per cent gross tax on timber.

We desire to call your attention to

the fact that one-fourth of all occupation taxes and gross receipts taxes goes into the available school fund; the amount to be derived from the bills that have been already passed and herein recommended in this report will produce more than \$2,000,000 for the available school fund, and is the reason why we recommend the reducing of this appropriation.

We recommend that the Governor approve, with such alterations as he desires to make, the following bills: The judiciary appropriation bill, the eleemosynary appropriation bill, the departmental appropriation bill, the emergency appropriation bill, the miscellaneous appropriation bill, and such other appropriation bills as were passed by the Second Called Session of the Thirty-eighth Legislature, which have not been approved.

In recommending that the Governor approve the appropriation bills we except the bills which are proposed to be reduced by this report, and recommend that these bills be vetoed by the Governor at once.

WOOD,
CLARK,
RIDGEWAY,
DAVIS,
On the part of the Senate.
QUAID,
SATTERWHITE,
BELL,
WALLACE,
On the part of the House.

RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 3, Relating to the appointment of a joint committee on the "Welfare of the State."

S. C. R. No. 5, Providing for purchase of stock by St. Louis & San Francisco Railway.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 3, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. J. R. No. 1, Allowing the citizens of Houston, Texas, to assist in the erection of the pavilion in the San Jacinto Battlefield Park.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

COMMITTEES ON MEMORIAL DAY PROGRAM.

In accordance with a resolution heretofore adopted, providing for Memorial Day program, the Speaker announced the appointment of the following committees:

To invite Senate to exercises: Messrs. Quaid, Patman and Stewart of Edwards.

To escort Major Townes to the Speaker's stand: Messrs. Purl, Green, Stiernberg, DeBerry and Simpson and all ex-service men of the House.

RELATING TO MEMORIAL DAY PROGRAM.

A committee from the Senate appeared at the bar of the House and, being duly announced, notified the House that they had accepted by a rising vote the invitation to sit with the House during the memorial service exercises.

COMMITTEE TO NOTIFY GOVERNOR.

The Speaker announced the appointment of the following committee to notify the Governor that the House and Senate were in joint session for Memorial Day exercises:

Messrs. Carpenter of Dallas, Fields and Price.

MEMORIAL DAY PROGRAM.

In accordance with a resolution heretofore adopted, providing for Memorial Day program at 11 o'clock a. m. today, the Senate having been invited, appeared at the bar of the House and, being duly announced, were admitted and escorted to seats prepared for them along the aisle.

Governor Pat M. Neff and party appeared at the bar of the House and being admitted were escorted by a committee heretofore appointed.

All ex-service men of the Senate and House were invited to seats prepared for them on the Speaker's stand.

Prayer was then offered by Mr. Dunn,

member of the House, on invitation of the Speaker.

Speaker Seagler then presented Mr. Purl, who in turn presented Mr. Green, who introduced Adjutant General Thomas D. Barton.

Hon. Thomas D. Barton then addressed the joint session.

Mr. Purl then introduced Major John C. Townes, Jr., Commander of the American Legion.

Major Townes then addressed the joint session.

Mr. Purl then presented Mr. DeBerry, an ex-service member of the House, who addressed the joint session.

On request of Mr. Purl, the entire joint session and all ex-service men arose, faced west and remained until taps were sounded in honor of those who lost their lives in the World War.

The Speaker then stated that the exercises were over.

RECESS.

On motion of Mr. Cable, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

REPORT OF JOINT COMMITTEE ON WAYS AND MEANS.

The House resumed consideration of pending business, same being report of joint committee to consider excess of appropriations over probable revenue.

The report having heretofore been read second time.

Mr. Patman moved to postpone further consideration of the report indefinitely.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—61.

Abney.	Carter of Coke.
Amsler.	Carter of Hays.
Baker of Milam.	Coffee.
Baldwin.	Collins.
Barker.	Crawford.
Barrett.	Davis.
Beasley.	DeBerry.
Bird.	Dodd.
Bonham.	Downs.
Burmeister.	Driggers.
Carpenter	Durham.
of Dallas.	Fields.
Carson.	Finlay.

Green.
Greer.
Harris.
Hendricks.
Howeth.
Hull.
Johnson.
Kemble.
Lackey.
Laird.
Loftin.
Looney.
McDaniel.
Mathes.
Maxwell.
Merritt.
Miller.
Pate.
Patman.
Pinkston.

Pope.
Price.
Purl.
Quinn.
Rice.
Robinson.
Russell
of Callahan.
Simpson.
Sparkman.
Stell.
Stewart
of Edwards.
Stewart
of Galveston.
Stewart of Jasper.
Stroder.
Thompson.
Turner.
Young.

Nays—39.

Arnold.
Avis.
Bell.
Cable.
Carpenter
of Matagorda.
Chitwood.
Cowen.
Culp.
Davenport.
Duffey.
Dunlap.
Edwards.
Faubion.
Hardin of Erath.
Harrington.
Henderson
of Marion.
Irwin.
Jennings.
Lane.

LeMaster.
Lewis.
McDonald.
McKean.
McNatt.
Martin.
Melson.
Moore.
Perdue.
Pool.
Potter.
Quaid.
Satterwhite.
Shearer.
Smith.
Stewart of Reeves.
Teer.
Wallace.
Westbrook.
Winfree.

Present—Not Voting.

Gipson.
McFarlane.
Patterson.

Storey.
Wilmans.

Absent.

Bobbitt.
Covey.
Dielmann.
Dunn.
Frnka.
Fugler.
Hardin
of Kaufman.
Henderson
of McLennan.
Houston.
Hughes.
Jacks.
LeSturgeon.
Montgomery.

Morgan
of Liberty.
Morgan
of Robertson.
Rowland.
Russell of Trinity.
Sanford.
Shires.
Stevens.
Stiernberg.
Strickland.
Thrasher.
Vaughan.
Wells.
Williamson.

Absent—Excused.

Atkinson.	McBride.
Baker of Orange.	Merriman.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.
Lusk.	

Mr. Beasley moved to reconsider the vote by which the report was indefinitely postponed.

Mr. Patman moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—65.

Abney.	LeMaster.
Arnold.	Loftin.
Avis.	Looney.
Baker of Milam.	McDaniel.
Baldwin.	McFarlane.
Barker.	Mathes.
Barrett.	Maxwell.
Bird.	Merritt.
Bonham.	Miller.
Burmeister.	Pate.
Carpenter	Patman.
of Dallas.	Pinkston.
Carson.	Pope.
Carter of Coke.	Price.
Carter of Hays.	Purl.
Coffee.	Quinn.
Collins.	Rice.
Crawford.	Robinson.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Satterwhite.
Downs.	Sparkman.
Driggers.	Stell.
Dunn.	Stewart
Durham.	of Edwards.
Fields.	Stewart
Green.	of Galveston.
Greer.	Stewart of Jasper.
Harris.	Storey.
Hendricks.	Stroder.
Howeth.	Thompson.
Hull.	Turner.
Lackey.	Wilmans.
Laird.	Young.
Lane.	

Nays—40.

Beasley.	Duffey.
Bell.	Dunlap.
Cable.	Edwards.
Carpenter	Faubion.
of Matagorda.	Finlay.
Chitwood.	Hardin of Erath.
Cowen.	Harrington.
Culp.	Henderson
Davenport.	of Marion.

Irwin.	Pool.
Jennings.	Potter.
Kemble.	Quaid.
Lewis.	Shearer.
McDonald.	Simpson.
McKean.	Smith.
McNatt.	Stewart of Reeves.
Martin.	Teer.
Melson.	Wallace.
Moore.	Westbrook.
Patterson.	Winfree.
Perdue.	

Present—Not Voting.

Gipson.

Absent.

Amsler.	Morgan
Bobbitt.	of Liberty.
Covey.	Morgan
Dielmann.	of Robertson.
Frnka.	Rowland.
Fugler.	Russell of Trinity.
Hardin	Sanford.
of Kaufman.	Shires.
Henderson	Stevens.
of McLennan.	Stiernberg.
Houston.	Strickland.
Hughes.	Thrasher.
Jacks.	Vaughan.
Johnson.	Wells.
LeSturgeon.	Williamson.
Montgomery.	

Absent—Excused.

Atkinson.	McBride.
Baker of Orange.	Merriman.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.
Lusk.	

Mr. Lackey moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m. today, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Simpson, the Sergeant-at-Arms was instructed to bring in all absentees within the city of Austin.

The roll was called and a quorum was announced present.

GRANTING LEAVE OF ABSENCE TO
HON. J. R. WARREN.

Mr. Simpson offered the following resolution:

H. C. R. No. 10, Granting Hon. J. R. Warren leave of absence from State.

Be it resolved by the House of Representatives, the Senate concurring, That Hon. J. R. Warren, judge of the Seventh Judicial District of Texas, be and he is hereby permitted to absent himself from the State of Texas for a period of forty days from July 23, 1923.

Signed — Simpson, Perdue, McBride, Davis.

The resolution was read second time and was adopted.

RELATING TO CONFERENCE COMMITTEE REPORT ON DEPARTMENTAL APPROPRIATIONS.

Mr. Pope offered the following resolution:

H. C. R. No. 8, Relating to Conference Committee report on departmental bill.

Whereas, The bill making appropriations for the conducting of the State government for two years beginning September 1, 1923, and ending August 31, 1925, known as Senate bill No. 32, was passed by the Senate of Texas and sent to the House of Representatives and passed by the House of Representatives with certain amendments, and thereafter the Senate declined to concur in the House amendments to said Senate bill and asked for a Free Conference Committee to consider the differences between the said Senate bill No. 32 as passed by the Senate and the said Senate bill with amendments as passed by the House, and thereafter said Free Conference Committee reported back to the House and Senate by report dated May 14, 1923, and printed in the Senate Journal on pages 678-680 and in the House Journal on pages 932-933, all of the Second Called Session of the Thirty-eighth Legislature; and

Whereas, By virtue of said Free Conference Committee report and the adoption thereof, the differences between the House and the Senate on said Senate bill No. 32 were not settled and said Senate bill has not, in fact, ever been passed by either the House or Senate, and the report of said committee is not in bill form and could not and does not constitute the passage of a bill as contemplated by the Constitution and

laws of this State and the rules of the House and Senate; and

Whereas, If said adoption of said Conference Committee report could be considered a final agreement on the differences between the House and Senate on said bill, said differences by said report were settled in such way that instead of said bill being passed in itemized form as contemplated by the Constitution and laws of this State it was passed in budget form, and instead of the total amount thereof being approximately \$5,859,516.24, the total amount of said departmental bill is more than eleven million dollars in that by virtue of the adoption of said report both the amount allowed by the bill and the amount recommended by the committee were each adopted as appropriations, respectively, for each department, making approximately a double appropriation for each year and not in accordance with the understanding of a majority of the House and Senate members; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor of the State of Texas be, and he is hereby requested to veto said Senate bill No. 32, known as the State departmental bill, and return the same to the House and Senate so that said bill may be passed by each house as provided by the Constitution and laws of the State of Texas.

The resolution was read second time.

Mr. Quaid moved to table the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—44.

Baker of Milam.	Fields.
Bell.	Hardin of Erath.
Burmeister.	Harrington.
Carpenter	Henderson
of Dallas.	of Marion.
Carpenter	Hendricks.
of Matagorda.	Irwin.
Carson.	Kemble.
Carter of Coke.	Lackey.
Carter of Hays.	Lane.
Chitwood.	LeMaster.
Coffee.	Lewis.
Collins.	McDonald.
Covey.	McKean.
Cowen.	McNatt.
Dunlap.	Moore.
Dunn.	Patterson.
Edwards.	Potter.

Quaid.	Stewart of Reeves.
Satterwhite.	Teer.
Shearer.	Wells.
Smith.	Westbrook.
Sparkman.	Winfree.
Stewart of Jasper.	

Dinkle.	Rogers.
Jones.	Sackett.
Lamb.	Sweet.
Lusk.	Wessels.
McBride.	Wilson.
Merriman.	

Nays—46.

Abney.	Loftin.
Avis.	Looney.
Baldwin.	McDaniel.
Barker.	McFarlane.
Barrett.	Martin.
Beasley.	Melson.
Cable.	Merritt.
Crawford.	Patman.
Davenport.	Pinkston.
Davis.	Pope.
DeBerry.	Price.
Dodd.	Purl.
Downs.	Quinn.
Driggers.	Robinson.
Durham.	Russell
Finlay.	of Callahan.
Gipson.	Sanford.
Green.	Stell.
Greer.	Storey.
Howeth.	Stroder.
Hull.	Thompson.
Jennings.	Turner.
Johnson.	Wilmans.
Laird.	

Present—Not Voting.

Mr. Speaker.	Pate.
Arnold.	Perdue.
Bird.	Rice.
Duffey.	Simpson.
Harris.	Stewart
Maxwell.	of Galveston.
Montgomery.	Young.

Absent.

Amsler.	Morgan
Bobbitt.	of Liberty.
Bonham.	Morgan
Culp.	of Robertson.
Dielmann.	Pool.
Faubion.	Rowland.
Frnka.	Russell of Trinity.
Fugler.	Shires.
Hardin	Stevens.
of Kaufman.	Stewart
Henderson	of Edwards.
of McLennan.	Stiernberg.
Houston.	Strickland.
Hughes.	Thrasher.
Jacks.	Vaughan.
LeStourgeon.	Wallace.
Mathes.	Williamson.
Miller.	

Absent—Excused.

Atkinson.	Blount.
Baker of Orange.	Bryant.

Mr. Davenport raised a point of order on further consideration of the resolution at this time on the ground that the time for consideration of resolutions has passed.

The Speaker sustained the point of order.

RELATING TO GASOLINE TAX LAW.

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 6, Relating to gasoline tax law.

Mr. Simpson moved that the resolution be referred to Committee on State Affairs.

Mr. Cowen moved to table the motion, and the motion to table was lost.

Question recurring on the motion to refer, it prevailed.

AUTHORIZING CITIZENS OF HOUSTON AND HARRIS COUNTY TO CONSTRUCT CERTAIN PAVILION.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. J. R. No. 1, Authorizing citizens of Houston and Harris county to construct certain pavilion.

Whereas, The Legislature has made appropriation for the purpose of constructing roads and a pavilion in the San Jacinto Battlefield Park; and

Whereas, The people of the city of Houston and of Harris county are willing, anxious and desirous to assist in the construction of the roads, pavilion and accommodations in San Jacinto Battlefield Park; therefore, be it

Resolved by the Senate and the House jointly, That the Board of Control is hereby authorized to permit the citizens of the city of Houston and of Harris county individually and through their organizations and fraternal societies to pay for and erect the posts for the support of said pavilion and the floor in said pavilion, and that said persons, organizations and societies may be allowed, upon the payment for such, to have the names of the donors inscribed thereon; that all of said work and con-

struction shall be done by, with and under the approval of the Board of Control of the State of Texas and the park commissioners of San Jacinto Battlefield Park, who shall have the right to make the plans and specifications and to accept or reject such offers.

The resolution was read second time.

On motion of Mr. Quaid, the resolution was referred to the Committee on State Affairs.

SENATE BILL NO. 15 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 15, A bill to be entitled "An Act making an appropriation to carry into effect the provisions of Chapter 41, General Laws of the First Called Session of the Thirty-seventh Legislature, and declaring an emergency."

The bill was read second time.

Mr. Quinn moved that the bill be laid on the table subject to call.

Yeas and nays were demanded and the motion was lost by the following vote:

Yeas—17.

Abney.	Looney.
Baldwin.	Maxwell.
Carson.	Melson.
Carter of Coke.	Purl.
Crawford.	Quinn.
Green.	Rice.
Lackey.	Stewart of Reeves.
Laird.	Storey.
Loftin.	

Nays—83.

Arnold.	Davis.
Avis.	DeBerry.
Baker of Milam.	Dodd.
Barker.	Driggers.
Barrett.	Duffey.
Beasley.	Dunlap.
Bell.	Durham.
Bonham.	Faubion.
Burmeister.	Fields.
Cable.	Gipson.
Carpenter	Greer.
of Dallas.	Hardin of Erath.
Carpenter	Harrington.
of Matagorda.	Harris.
Carter of Hays.	Henderson
Coffee.	of Marion.
Collins.	Hendricks.
Covey.	Howeth.
Cowen.	Hull.
Culp.	Irwin.
Davenport.	Johnson.

Kemble.	Russell
Lane.	of Callahan.
LeMaster.	Sanford.
Lewis.	Satterwhite.
McDaniel.	Shearer.
McDonald.	Simpson.
McKean.	Smith.
McNatt.	Sparkman.
Martin.	Stell.
Mathes.	Stewart
Merritt.	of Galveston.
Miller.	Stewart of Jasper.
Montgomery.	Stroder.
Pate.	Teer.
Patman.	Thompson.
Patterson.	Turner.
Perdue.	Vaughan.
Pinkston.	Wallace.
Pope.	Wells.
Potter.	Westbrook.
Price.	Wilmans.
Quaid.	Winfree.
Robinson.	Young.

Present—Not Voting.

Mr. Speaker.	Jennings.
Bird.	

Absent.

Amsler.	McFarlane.
Bobbitt.	Moore.
Chitwood.	Morgan
Dielmann.	of Liberty.
Downs.	Morgan
Dunn.	of Robertson.
Edwards.	Pool.
Finlay.	Rowland.
Frnka.	Russell of Trinity.
Fugler.	Shires.
Hardin	Stevens.
of Kaufman.	Stewart
Henderson	of Edwards.
of McLennan.	Stiernberg.
Houston.	Strickland.
Hughes.	Thrasher.
Jacks.	Williamson.
LeSturgeon.	

Absent—Excused.

Atkinson.	McBride.
Baker of Orange.	Merriman.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	Wessels.
Lamb.	Wilson.
Lusk.	

Mr. Carter of Coke offered the following amendment to the bill:

Amend Senate bill No. 15, line 8, by inserting between the words "that" and "such" the words "one-half of."

The amendment was lost.

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 15 by adding a new section to read as follows:

"Provided that all moneys appropriated in this bill shall be spent under direction of President of A. and M. College of Texas."

Mr. Westbrook raised a point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 15 by adding at the end of Section 1 the following: "Provided, that no part of said unexpended balance of said appropriation shall be used to pay claims of persons claiming damages sustained because of cotton condemned and destroyed as provided in said Chapter 41 or to pay expenses or to pay the salaries of the compensation claim board provided by said Chapter 41."

Mr. Quinn offered the following substitute for the amendment:

Amend amendment to Senate bill No. 15 by striking out the word "provided" and all after said word in Section 1, and by adding the following: "Provided not more than \$10,000 of said money shall be used for traveling expenses and salaries, the balance of the appropriation to be used for the paying of claims to the cotton farmers."

Question recurring on the substitute, it was lost.

Question then recurring on the amendment, it was adopted.

Mr. Quinn moved that further consideration of the bill be postponed until 2 o'clock p. m. tomorrow.

Mr. Simpson moved the previous question on the motion to postpone and the bill, and the main question was ordered.

Question first recurring on the motion to postpone, it was lost.

Senate bill No. 15 was then passed to third reading.

HOUSE BILL NO. 8 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage.

H. B. No. 8. A bill to be entitled "An Act to amend Chapter 2, Title 126 of the Revised Statutes of the State of Texas, 1911, relative to the levy of oc-

cupation taxes based on gross receipts, by adding a new Article 7376a, said article extending the provisions of said chapter so as to include each and every person, association of persons or corporation created by the laws of this or any other State or nation, which shall engage, in their own name or in the name of others, in the wholesale business of coal oil, fuel oil, naphtha, benzine, or any other mineral oils refined from petroleum; levying a tax of one-half per cent, and declaring an emergency."

The bill was read third time.

Mr. Quinn moved to reconsider the vote by which the bill was passed to engrossment.

On motion of Mr. Cable, the motion to reconsider was tabled.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 18, line 26, page 1, by striking out the words "one-half of one per cent" and insert the words "one-fourth of one per cent."

On motion of Mr. Patman, the amendment was tabled.

House bill No. 8 was then finally passed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 30, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 41. A bill to be entitled "An Act prescribing the method of the county tax collector making remittances to the State Treasurer or any other State officer, board, commission or employe of the State, and inhibiting the payment of exchange on any such remittances; providing that liability shall not cease until actual receipt of money, and declaring an emergency."

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

HOUSE BILL NO. 25 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 25, A bill to be entitled "An Act amending Section 13 of Article 7355, Revised Civil Statutes of the

State of Texas, 1911, imposing an occupation tax upon theatrical, dramatic and musical comedy shows and amusements for which pay for admission is demanded or received, and which travel from place to place and give exhibitions, the amount of tax to be determined according to the number of inhabitants in cities and towns affected by this act and by the amount charged for admission; making certain exemptions from the provisions of this act, and declaring an emergency."

The bill was read third time.

Mr. Baldwin offered the following amendment to the bill:

Amend House bill No. 25, Section 1, page 2, line 2, by striking out all of said section beginning with the word "Provided," and inserting in lieu thereof the following:

"Provided further, that there shall be collected from the owner, proprietor or operator of every regularly established and recognized opera house, theater, air-dome and other established place where moving picture or other entertainments or exhibitions are given for private profit, in cities, towns and villages under one thousand inhabitants, an annual tax of five dollars; in towns and cities of one thousand inhabitants and under twenty-five hundred inhabitants, an annual tax of fifteen dollars; in towns and cities of twenty-five hundred inhabitants and under five thousand inhabitants, an annual tax of twenty dollars; in towns and cities of five thousand inhabitants and under ten thousand inhabitants, an annual tax of twenty-five dollars; in towns and cities of ten thousand inhabitants and under fifteen thousand inhabitants, an annual tax of thirty dollars; in towns and cities of fifteen thousand inhabitants and under twenty thousand inhabitants, an annual tax of forty dollars; in towns and cities of twenty thousand inhabitants and under thirty thousand inhabitants, an annual tax of fifty dollars; in towns and cities of thirty thousand inhabitants and under forty thousand inhabitants, an annual tax of sixty dollars; in towns and cities of forty thousand inhabitants or more, an annual tax of seventy-five dollars. In each case the population shall be determined by the last preceding Federal census. Provided, that counties, incorporated cities, towns and villages shall each have the power and authority to collect one-half

the amount of such State occupation tax herein imposed.

"Sec. 2. All laws and parts of laws in conflict with any of the provisions of Section 1 hereof are hereby repealed, and Section 36 of Article 7355, Revised Civil Statutes of the State of Texas of 1911, is hereby specially repealed."

Further amend the bill by changing the number of the emergency clause from "Section 2" to "Section 3."

The amendment was adopted.

Mr. Winfree offered the following amendment to the bill:

Amend House bill No. 25 by striking out all below line 19, page 1, down to and including line 9, page 2, and insert in lieu thereof the following:

"Sec. 13. From every theater or dramatic representation for which pay for admission is demanded or received in towns or cities of 1500 inhabitants, two dollars; in towns or cities of 1500 and not over 3000, four dollars; in towns and cities of over 3000 and not less than 5000, six dollars; in towns and cities over 5000 and not over 10,000, eight dollars; and in towns and cities of over 10,000 inhabitants, ten dollars per day for every day they may perform; provided, that theatrical or dramatic representations given by performers for instructions only, are entirely for charitable purposes, shall not be herein included; provided, however, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theaters; but in lieu of said tax, the managers of said opera houses or theaters shall pay an annual occupation tax of thirty-five dollars."

Mr. Dodd moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, it was lost.

Question then recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 25 was then finally passed by the following vote:

Yeas—59.

Avis.	Carpenter
Baker of Milam.	of Dallas.
Baldwin.	Carpenter
Barrett.	of Matagorda.
Beasley.	Carter of Hays.
Bell.	Chitwood.
Cable.	Coffee.

Covey.	McDonald.
Crawford.	Mathes.
Dodd.	Maxwell.
Downs.	Melson.
Driggers.	Merritt.
Duffey.	Moore.
Dunn.	Pate.
Durham.	Patterson.
Edwards.	Perdue.
Fields.	Pinkston.
Finlay.	Robinson.
Green.	Sanford.
Greer.	Satterwhite.
Hardin of Erath.	Sparkman.
Harrington.	Stell.
Henderson	Stewart of Jasper.
of Marion.	Stewart of Reeves.
Hendricks.	Stiernberg.
Jennings.	Stroder.
Laird.	Teer.
Lane.	Thompson.
LeMaster.	Westbrook.
Lewis.	Wilmans.
Loftin.	Young.
McDaniel.	

Nays—38.

Abney.	McKean.
Arnold.	McNatt.
Barker.	Martin.
Burmeister.	Pope.
Carson.	Potter.
Carter of Coke.	Purl.
Collins.	Quaid.
Cowen.	Rice.
Culp.	Russell
Davenport.	of Callahan.
Davis.	Shearer.
DeBerry.	Simpson.
Gipson.	Smith.
Harris.	Stewart
Hull.	of Galveston.
Irwin.	Storey.
Jacks.	Turner.
Johnson.	Vaughan.
Lackey.	Wessels.
Looney.	Winfree.

Present—Not Voting.

Mr. Speaker.	Patman.
Bird.	Wells.
Howeth.	

Absent.

Amsler.	Henderson
Baker of Orange.	of McLennan.
Bobbitt.	Houston.
Bonham.	Hughes.
Dielmann.	Kemble.
Dunlap.	LeStourgeon.
Faubion.	McFarlane.
Frnka.	Miller.
Fugler.	Montgomery.
Hardin	Morgan
of Kaufman.	of Liberty.

Morgan	Stevens.
of Robertson.	Stewart
Pool.	of Edwards.
Price.	Strickland.
Quinn.	Thrasher.
Rowland.	Wallace.
Russell of Trinity.	Williamson.
Shires.	Wilson.

Absent—Excused.

Atkinson.	Lusk.
Blount.	McBride.
Bryant.	Merriman.
Dinkle.	Rogers.
Jones.	Sackett.
Lamb.	Sweet.

HOUSE BILL NO. 28 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 28, A bill to be entitled "An Act amending Section 14 of Article 7355 of the Revised Civil Statutes of the State of Texas of 1911, relative to occupation taxes; fixing the amount of taxes to be levied on circuses, shows, amusement companies, trained animal shows, wild west shows and other companies of similar kind and character; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suit for the collection of such taxes due the State of Texas and fixing the venue thereof; making certain exemptions from the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Question recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 28 was then finally passed by the following vote:

Yeas—60.

Baker of Milam.	Dunlap.
Baldwin.	Durham.
Barker.	Edwards.
Barrett.	Faubion.
Beasley.	Fields.
Cable.	Finlay.
Carpenter	Greer.
of Matagorda.	Hardin of Erath.
Chitwood.	Henderson
Coffee.	of Marion.
Covey.	Hendricks.
Culp.	Hull.
Dodd.	Jacks.
Downs.	Jennings.
Driggers.	Laird.
Duffey.	Lane.

LeMaster.	Rice.
Lewis.	Robinson.
Loftin.	Sanford.
McDaniel.	Satterwhite.
McDonald.	Simpson.
Mathes.	Sparkman.
Maxwell.	Stell.
Melson.	Stewart of Jasper.
Merritt.	Stewart of Reeves.
Montgomery.	Stiernberg.
Patterson.	Stroder.
Perdue.	Teer.
Pinkston.	Thompson.
Price.	Wells.
Quinn.	Wilmans.

Nays—37.

Abney.	Lackey.
Arnold.	Looney.
Avis.	McNatt.
Bird.	Martin.
Burmeister.	Pope.
Carson.	Purl.
Carter of Coke.	Quaid.
Collins.	Russell
Cowen.	of Callahan.
Crawford.	Shearer.
Davenport.	Smith.
Davis.	Stewart
DeBerry.	of Galveston.
Dunn.	Storey.
Gipson.	Turner.
Green.	Westbrook.
Harrington.	Wessels.
Harris.	Winfree.
Irwin.	Young.
Johnson.	

Present—Not Voting.

Mr. Speaker.	Pate.
Carter of Hays.	Patman.
Howeth.	Vaughan.

Absent.

Amsler.	McKean.
Baker of Orange.	Miller.
Bell.	Moore.
Bobbitt.	Morgan
Bonham.	of Liberty.
Carpenter	Morgan
of Dallas.	of Robertson.
Dielmann.	Pool.
Frnka.	Potter.
Fugler.	Rowland.
Hardin	Russell of Trinity.
of Kaufman.	Shires.
Henderson	Stevens.
of McLennan.	Stewart
Houston.	of Edwards.
Hughes.	Strickland.
Kemble.	Thrasher.
Lamb.	Wallace.
LeStourgeon.	Williamson.
McBride.	Wilson.
McFarlane.	

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Bryant.	Rogers.
Dinkle.	Sackett.
Jones.	Sweet.

HOUSE BILL NO. 35 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 35, A bill to be entitled "An Act to amend House bill No. 17 passed at the Regular Session of the Thirty-eighth Legislature of Texas, and approved by the Governor January 31, 1923, the act amended being an act requiring the Board of Water Engineers and the State Reclamation Engineer in conformity to the statute determining their powers and duties to make and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream water sheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—75.

Abney.	Sanford.
Avis.	Satterwhite.
Barker.	Simpson.
Barrett.	Sparkman.
Beasley.	Stell.
Bird.	Stewart
LeMaster.	of Galveston.
Looney.	Stewart of Jasper.
McDaniel.	Stiernberg.
Mathes.	Storey.
Melson.	Stroder.
Merritt.	Teer.
Pate.	Thompson.
Patman.	Turner.
Patterson.	Wallace.
Perdue.	Westbrook.
Pinkston.	Wessels.
Pope.	Wilmans.
Price.	Young.
Purl.	Cable.
Quinn.	Carpenter
Rice.	of Dallas.
Robinson.	Carson.

Carter of Coke.	Faubion.
Carter of Hays.	Fields.
Chitwood.	Finlay.
Coffee.	Greer.
Collins.	Harrington.
Crawford.	Harris.
Culp.	Henderson
Davis.	of Marion.
DeBerry.	Hendricks.
Dodd.	Howeth.
Downs.	Irwin.
Driggers.	Jacks.
Duffey.	Jennings.
Dunn.	Lackey.
Durham.	Laird.
Edwards.	Lane.

Nays—23.

Arnold.	McKean.
Baker of Milam.	McNatt.
Baldwin.	Martin.
Burmeister.	Maxwell.
Carpenter	Montgomery.
of Matagorda.	Quaid.
Covey.	Russell
Cowen.	of Callahan.
Davenport.	Shearer.
Hardin of Erath.	Stewart of Reeves.
Hull.	Vaughan.
Kemble.	Wells.
Lewis.	

Present—Not Voting.

Mr. Speaker.	Green.
Gipson.	

Absent.

Amsler.	McFarlane.
Baker of Orange.	Miller.
Bell.	Moore.
Bobbitt.	Morgan
Bonham.	of Liberty.
Dielmann.	Morgan
Dunlap.	of Robertson.
Frnka.	Pool.
Fugler.	Potter.
Hardin	Rowland.
of Kaufman.	Russell of Trinity.
Henderson	Shires.
of McLennan.	Smith.
Houston.	Stevens.
Hughes.	Stewart
Johnson.	of Edwards.
Lamb.	Strickland.
LeStourgeon.	Thrasher.
Loftin.	Williamson.
McBride.	Wilson.
McDonald.	Winfree.

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Bryant.	Rogers.
Dinkle.	Sackett.
Jones.	Sweet.

ADJOURNMENT.

Mr. Finlay moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Quinn moved that the House recess to 8 o'clock p. m. today.

The motion of Mr. Finlay prevailed, and the House accordingly, at 5 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Municipal and Private Corporations—House bill No. 22.

Claims and Accounts—House bill No. 70.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, May 30, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 35, A bill to be entitled "An Act to amend House bill No. 17, passed at the Regular Session of the Thirty-eighth Legislature of Texas, and approved by the Governor January 31, 1923, the act amended being an act requiring the Board of Water Engineers and the State Reclamation Engineer in conformity to the statute, determining their powers and duties to make and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream water sheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency."

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, May 30, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills have carefully examined and compared

H. B. No. 8, A bill to be entitled
"An Act levying and providing for the
payment of a State occupation tax on
wholesale dealers of coal oil, fuel oil,
naphtha, benzine, gasoline or any other
mineral oils refined from petroleum; re-
quiring records to be kept, reports to be
made, and prescribing penalties for fail-
ure to comply with this act, and per-
mitting officials to inspect all records so
kept; providing for venue and jurisdic-
tion for collection of penalties, taxes and
prosecutions, and declaring an emer-
gency."

And find the same correctly engrossed.
PRICE, Vice-Chairman.

TENTH DAY.

(Thursday, May 31, 1923.)

The House met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Seagler.

The roll was called and the following
members were present:

Abney.	Dielmann.
Arnold.	Dodd.
Avis.	Downs.
Baker of Milam.	Driggers.
Barker.	Duffey.
Barrett.	Dunlap.
Beasley.	Dunn.
Bell.	Durham.
Bird.	Edwards.
Blount.	Faubion.
Bonham.	Fields.
Burmeister.	Finlay.
Cable.	Frnka.
Carpenter	Fugler.
of Dallas.	Gipson.
Carpenter	Green.
of Matagorda.	Greer.
Carson.	Hardin of Erath.
Carter of Coke.	Harrington.
Carter of Hays.	Harris.
Chitwood.	Henderson
Coffee.	of Marion.
Collins.	Henderson
Covey.	of McLennan.
Cowen.	Hendricks.
Crawford.	Houston.
Culp.	Howeth.
Davenport.	Hull.
Davis.	Jacks.
DeBerry.	Jennings.

Johnson.
Kemble.
Lackey.
Laird.
Lane.
LeMaster.
Lewis.
Looney.
McDaniel.
McFarlane.
McKean.
McNatt.
Martin.
Mathes.
Maxwell.
Melson.
Merritt.
Miller.
Montgomery.
Moore.
Pate.
Patman.
Patterson.
Perdue.
Pinkston.
Pool.
Pope.
Potter.
Purl.
Quaid.
Quinn.
Rice.

Robinson.
Rogers.
Russell
of Callahan.
Sanford.
Satterwhite.
Shearer.
Shires.
Simpson.
Smith.
Sparkman.
Stell.
Stevens.
Stewart
of Edwards.
Stewart
of Galveston.
Stewart of Jasper.
Stewart of Reeves.
Stiernberg.
Storey.
Stroder.
Teer.
Thompson.
Thrasher.
Turner.
Wallace.
Westbrook.
Wessels.
Wilmans.
Winfree.
Young.

Absent.

Amsler.	Morgan
Baldwin.	of Liberty.
Bobbitt.	Morgan
Hardin	of Robertson.
of Kaufman.	Price.
Hughes.	Rowland.
Irwin.	Strickland.
LeSturgeon.	Vaughan.
Loftin.	Wells.
	Williamson.

Absent—Excused.

Atkinson.	McBride.
Baker of Orange.	McDonald.
Bryant.	Merriman.
Dinkle.	Russell of Trinity.
Jones.	Sackett.
Lamb.	Sweet.
Lusk.	Wilson.

A quorum was announced present.
Prayer was offered by Rev. J. C.
Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of sick-
ness:

Mr. McDonald for today and indefi-
nitely, on motion of Mr. Davenport.